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In re Application of KIM :
U.S. Application No.: 10/564,561 :
PCT Application No.: PCT/KR2004/001733 :
Int. Filing Date: 13 July 2004 : DECISION
Priority Date Claimed: 14 July 2003 :
Attorney Docket No.: 53200.830003.US0 :
For: METHOD FOR ONLINE MANAGEMENT :
OF MEDICAL RECORD FORMS :
:

This is in response to the "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 16 August 2006.

BACKGROUND

On 13 July 2004, applicant filed international application PCT/KR2004/001733, which claimed priority of an earlier Korea application filed 14 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 20 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 14 January 2006.

On 12 January 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 May 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 16 August 2006, applicant's representative filed the present request to withdraw as attorney and change of correspondence address.

DISCUSSION

MPEP 402.06 states in relevant part,

The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

In the present case, less than 30 days would remain between approval of the withdrawal and the later of the expiration date of the time period for reply to the Notification of Missing Requirements mailed 30 May 2006 or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). Thus, approval of the withdrawal at the present time would not be appropriate.

It is further noted that the request for withdrawal seeks to withdraw "all of the attorneys/agents associated with Customer Number 26582". A review of the application file reveals that no power of attorney for all of the attorneys/agents associated with Customer Number 26582 is present. Thus, withdrawal of all of the attorneys/agents associated with Customer Number 26582 would be moot with the exception of Brian Kinnear. Because Brian Kinnear signed the papers filed on 12 January 2006, his signature constitutes a representation to the USPTO that he is authorized to represent the applicant. See 37 CFR 1.34. Thus, Brian Kinnear remains as the agent of record.

The change of correspondence address, which was authorized by the agent of record, has been entered.

CONCLUSION

For the reasons above, the request to withdraw as attorney/agent is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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